



Children and Family Services
Training Center
Department of Social Work
University of North Dakota

Fostering Communications



Summer 2006

Building a Network of People in the Foster Care System

Vol. XX No. 2

Guardians for Children: The North Dakota Guardian ad Litem Project

By Del Hager

In common law days, a person referred to as a "next friend" was allowed to act as a representative of a child in a court proceeding. As time went on, the Supreme Court ruled on numerous cases involving the appointment of a guardian ad litem (GAL) for children. Today, the North Dakota Century Code, Chapter 28-03, provides a legal foundation for guardians ad litem and provides a basis for the law by identifying sources that date back to 1887. Other legal documents such as the Uniform Juvenile Court Act (NDCC 27-20) and the Child Abuse and Neglect Reporting Law (NDCC 50-25.1) also tell us that a guardian ad litem must be appointed for a child in a judicial proceeding.

King County, Seattle, Washington, was the site of the first GAL program in the United States (1977) that used non-lawyers as volunteers to advocate for children in court proceedings. Court Appointed Special Advocates (CASA), a national organization, has its roots in the Seattle program and provides training, technical assistance and other services in addition to hosting a national conference to support guardians ad litem and children.

Tara Muhlhauser, Court Improvement Specialist with the Children and Family Services Division, North Dakota Department of Human Services, reported that North Dakota started a GAL program with funding from the Supreme Court in some judicial districts in 1986. Subsequently, model projects were started in Fargo and then in Grand Forks in about 2000 with Court Improvement money from the Federal Government.

The Guardian ad Litem program in North Dakota is headquartered within the Department of Social Work at the University of North Dakota. Newly appointed director, Brad Swenson, tells us, "The original pilot project was expanded statewide in July 2003. Today, there are guardians available in each of the juvenile court regions throughout the state." He went on to say that funding for the project comes from "a grant that is administered through the state Supreme Court. The Court Administrators Office is the entity that oversees that grant."

A person who applies to become a GAL, must go through an application process that includes a check of three references, a criminal background check, a child abuse and neglect background check, as well as a personal interview with Brad Swenson or Lannon Serrano, who is the coordinator responsible

for the western half of North Dakota. To become a guardian, you must be over the age of 21, possess at least a bachelor's degree and "it is helpful to have some working experience or exposure to working with kids in the system," Swenson explained. "They are independent contractors and not employees of the state," he said.

The UND project office is responsible to recruit and train prospective guardians. The new recruits are required to go through an 18-hour training session comprised of two sessions that are currently offered twice a year. The next session will be in Bismarck on September 15-16 with Part II in Bismarck on October 5-6. Swenson went on to explain, "In that training, they are exposed to introductory information on juvenile court, the child welfare system, foster care, child development and the paperwork process of how to fill out a time sheet and how to fill out records once they are assigned a case." Once they've completed the training and it seems to be a good match, the new guardian will shadow a more experienced guardian before they take on a case of their own. They'll probably attend a shelter care hearing and a first appearance during the introductory period.

The process of assigning cases begins when a juvenile court calls the GAL project office and requests a guardian for a specific case in their region. Once a guardian has been found, the project office will call the juvenile court to give them the person's name. The court will then draft an order formalizing the appointment.

Guardians are responsible to attend hearings; meet with a variety of people connected to the case; get reports to the court, the states attorney and the county social service agency in a timely fashion; and, come to court prepared. Swenson explained, "The main responsibility of the guardian is to advocate for the best interests of the child. They need to be an objective, independent voice – separate from social services, separate from the state's attorney and separate from a mother and father; and, I suppose it could be extended to be separate from the voice of the child. The child might say 'this is what I want' and the guardian has to separate what the child's wishes are and what their best interest is. Sometimes they're very, very different."

"The role of a guardian is different depending on where the case is. Initially it requires some research and investigation;

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Fostering Communications is published quarterly by the UND Children and Family Services Training Center, under the sponsorship of the Division of Children and Family Services, North Dakota Department of Human Services. It is sent free of charge to all foster parents, foster care providers, and child welfare agencies. Comments should be directed to the Training Center.

President's Corner

By James Schnabel



Graduations are over and many students are looking to start college in the fall. Foster parents should also be looking forward to the fall when we have our annual NDFPA conference. This is a time to renew old acquaintances and meet new ones; a time to pick up much needed required training hours; and, a time to share your input into the future of foster care.

If you have a foster child who graduated from high school and is planning to go to college or a vocational/trade school, encourage them to apply for one of the scholarships available from the NDFPA.

If you know a foster parent, social worker, or agency that has done a great job and deserves recognition, I would encourage you to submit a nomination for one of the service awards that we present at our annual conference.

Foster parenting can have many challenges and the annual conference is designed to give you a few new tools to have in your foster parenting toolbox. I look forward to seeing all of you in October as we step into the future of foster parenting together. As always, if you have any questions or concerns please feel free to contact me.

See you in the fall.

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other times it's to facilitate and make sure that services are in place and being followed. After the disposition, it requires the guardian to monitor the case and make sure that the child's placement is stable and the required or mandated services are not only in place, but the child is getting to the psychiatrist, getting to the therapist and having home visits, etc."

"There are times when the guardian is the most consistent person in the child's life. Case managers sometimes change jobs and sometimes there are multiple foster care placements," Swenson said. "The guardians are restricted in their role, in that they can't drive a child to soccer practice, or therapy appointments...and so they need very clear boundaries about how they function in that relationship."

A guardian as defined in the North Dakota statutes might be any one of three different entities. There are lay guardians ad litem that are exclusively assigned in deprivation cases of abuse and neglect. There are legal GAL's (lawyers) usually involved in civil cases. Plus, there are custody investigators. The latter two are more involved in divorce cases and custody matters to determine which parent should be the primary caregiver. If there is a complicated case, there might be a lay GAL appointed and later, a legal GAL could be appointed to protect the child's legal interests. A lay guardian can request of the court, that a lawyer be appointed.

Foster parents are an important source of information for guardians when the guardian is preparing a report to the court and beginning the advocacy process in the best interest of the child. Swenson stated, "If it's early in the Juvenile Court process, there might be more contact; the foster parents will get interviewed; and, the child might have more contact with the guardian." During the post-disposition phase of the case, the guardian may have only limited contact with a foster parent and the child because the guardian's role may change to one of only



From the State Office

By Don Snyder, Foster Care Administrator

NEW CFSR DATA COMPOSITES MADE AVAILABLE BY CHILDREN'S BUREAU WILL HAVE AN IMPACT ON OUR UPCOMING FEDERAL CFSR.

The Administration for Children and Families (ACF) has announced the new data measures, data composites, and national standards that will replace the six national data standards used during the first round of the CFSR's to assess the performance of state welfare agencies.

These two data measures will focus on: (1) Safety outcomes, to measure recurrence of maltreatment for children both in and out of foster care; and, (2) Measure states performance on permanency outcomes, timeliness and permanency of reunifications, timeliness for adoptions, achieving permanency for children in foster care for extended periods of time and placement stability. Each of these components will be made up of one or more measures which will give us a composite score of the data analysis.

With National standards becoming clearer, we know that foster care will experience ongoing changes. Workers visits with parents, youth, and foster parents become more important each day.

The possibility of new initiatives such as having foster parents mentoring bio-parents to help reunifications happen quickly and without disruption will become the norm. All our partners in child welfare will need to join hands and work for the best interest of the families.



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FOSTER CARE FOCUS

May – National Foster Care Month

National Foster Care Month was celebrated in all regions of North Dakota in various ways. The photos you see in this issue of *Fostering Communications* and the proclamation signed by Governor John Hoeven are a part of the celebrations. Radio and television coverage was quite extensive and ribbon-tying ceremonies seemed to be the major event sponsored by regional and county social service agencies and PATH.

Activities reported are as follows:

Williston - Region 1 had a picnic for the county and PATH foster parents on May 30th. The foster parents who attend received a "family oriented" door prize as a thank you for all their hard work. Northwest Human Service Center, Denim for Kids and PATH provided monetary donations in order for the meal to be catered. There were approximately 85 to 90 adults and kids in attendance.

Minot - Regional foster parent banquets along with training were held in Minot and in Mountrail County.

Devils Lake - Radio promotions regarding the need for foster parents were held.

Grand Forks - Ribbon tying at Grand Forks County Courthouse; Regional foster parent banquet with awards, door prizes and fun activities; and, other publicity events through various media were undertaken.

Fargo - WDAY did a special on foster care. Ribbons and posters were given to Traill, Richland, Sargent, Ransom and Steele Counties. Ribbons were tied on trees near the entrance to West Acres in Fargo with local dignitaries present including: Vern Bennett, Chairman of Cass County Commission; John Cosgriff, Deputy Mayor of Fargo; Rich Mattern, Mayor of Fargo; Brandy Pyle, representing Mayor Edward McConnell of Casselton; and, Senator John Syverson, representing the 45th District. Some foster parents from the NDFPA for this region were also there and they brought a carnation for each social worker. Active Cass County foster parents received the very nice brass "National Foster Care Month" pins, along with their own "recruitment packs," the governor's proclamation, a special letter from Kathy Hogan, Cass CSS Director; and an invitation to the annual foster family picnic.

Jamestown - Barnes County: local newspaper interviewed foster parents for a front page story; distributed posters and had pizza box flyers; PSAs were done throughout the month from local radio stations; held a banquet for the foster families. Dickey/LaMoure: PSAs at radio stations, flyers in delivery pizzas. Eddy/Foster/Wells: Table tents at local cafes, flyers given out in take-out pizza, Radio PSAs. Stutsman: PSAs and flyers in take-out pizza. Logan: flyers in take-out pizza. Griggs: flyers in take-out pizza, radio PSAs. Regional HSC: along with PATH did a ribbon tying ceremony at Zonta Park in Jamestown.

Bismarck - A celebration and ribbon tying at the Capital featured Lt. Governor Jack Dalrymple and Paul Ronningen as speakers; other speakers read letters from our congressmen; the Recruitment Coalition purchased a zoo pass for the foster/adopt parents of the region; there were TV and radio interviews with foster parents and a recruitment coalition member; and a fundraiser lunch at Space Aliens with money going to the recruitment coalition.

Dickinson - A ribbon tying ceremony and a Banquet/Recognition/Training Event at the Elks for all foster/adopt parents were the highlights of the month. Each foster parent was given a certificate and a gift that was donated by local businesses or staff. Our huge banner was hung across Highway 22 for the month of May.

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monitoring the case. When the disposition and the treatment plan is in place, the guardian may be checking to see that the plan is in place and the child is getting to the services. Therefore, the amount of contact is often based upon where the case is in the Juvenile Court process.

He said, "It's helpful for the foster parents to know that the role of the guardian is simply to advocate for the best interest of the child. They are not the child's case manager, they're not a substitute parent, they're not Big Brother/Big Sister, so they're not going out for soda and ice cream or to the ballpark together."

It's expected that the guardian will have contact with the foster parents in the early stages of the case as the court report is being completed. Swenson explained, "If there has not been contact with the foster parents or the child, I would hope that the foster parents would contact our office. If the guardian is doing something that is out of their scope, I would hope the foster parents would feel free to call our office and register that comment."

A web page is being developed that will contain a section for a person to lodge a complaint or a comment about the work the guardian is doing, either positive or negative. "The important thing to know is, if there is a concern by a foster parent it's important that the concern be brought to our attention immediately. We can't do anything if it's brought up six months or a year later," Swenson said.

If you have questions or comments about the Guardian ad Litem Program, please call (701) 777-4453. Email to: bradswenson@und.nodak.edu. Or, write to:

North Dakota Guardian ad Litem
Gillette Hall – Room 2
225 Centennial Drive STOP 7135
Grand Forks, ND 58202-7135

[Brad Swenson began as the Director of the North Dakota Guardian ad Litem Program in April 2006. Before this position he was the Clinical Director at Ruth Meiers Adolescent Treatment Center in Grand Forks for fourteen years and he spent three years at Luther Hall in Fargo as Program Director. He graduated from Winona State University with an undergraduate degree in social work and has his masters degree in social work from the University of Wisconsin.]

NDFPA Awards and Scholarships



Each year, the North Dakota Foster Parents Association takes great pleasure in presenting the "Foster Parent of the Year," Social Worker of the Year" and "Agency of the Year" awards at the annual conference. Presenting these awards is an opportunity to thank and reward people for the tremendous work they do to serve the children of North Dakota. Please take the time to nominate those persons or agencies you believe deserve recognition. For more information and to obtain a nomination form, please contact the Awards Chairperson, Collette Sorenson, @ 572-5320, 1535 46th St. West, Williston, ND 58801.

Foster care youth who are about to enter a college, university, technical school or vocational training school are eligible for a \$600 scholarship from the NDFPA and a \$500 Ruth Meiers Children's Memorial Scholarship. Applications should be requested from Vicki Hoff, the chair of the scholarship committee. You may write or call Vicki at: 1011 62nd Ave NE Lot 16, Minot, ND 58701. Phone 701-838-6296. She will provide the forms and instructions on how to apply for the scholarships.



Below: Lt Governor Jack Dalrymple (second from right) spoke at the Bismarck celebration.

Below: Paul Ronningen, Director, Children and Family Services Division, speaks to the gathering in Bismarck.



Below: A large group of foster care supporters turned out for the ribbon tying at the Grand Forks Courthouse.



Participants in the Blue Ribbon tying event at Zonta Park in Jamestown were from left to right: Jamestown Mayor Charlie Kourajian, Jamestown PATH foster parents Bob and Vickie Thu, Wanda Luer of SCHSC, and Patti Solinger of Jamestown PATH



Donna BeauLac, North Dakota Foster Parent Association President-elect enjoys a "little" company at the Bismarck event.

Below: Cebe Schneider, PATH Foster Parent (left), Debra Trytten, Stark County Foster Care Supervisor (middle) and Lisa Giese (right), Region VIII Rep, tie blue ribbons on trees at the Stark County Courthouse to bring awareness about children in foster care.



Lisa Piche, Shelter Care Coordinator and Chair of the Regional Coalition, ties a ribbon on a newly planted tree at the GF Courthouse to honor foster children.



Dickinson Mayor, Dennis Johnson shares a few words with a group of dedicated foster care supporters in 35° weather and chilly North Dakota winds to tie blue ribbons to bring awareness to the community.



A PATH foster parent tied the first ribbon at the celebration near West Acres in Fargo.

NDFPA Conference

The North Dakota Foster Parent Association Conference will be held at the Best Western Ramkota Hotel in Bismarck on **October 13-14, 2006**. The conference will be a great opportunity for learning, support and fellowship.

Look for the brochure to be in the mail this summer with all the details, but you may want to reserve a room at the Ramkota in advance by calling (701) 258-7700. Room rates are \$50/single and \$70/double.

The conference will begin on Friday afternoon with First Aid Certification and CPR Re-Certification from 1-5pm. Fire Safety training, a welcome by James Schnabel and Rich Holm, Presidents of the NDFPA and PATH, and a keynote address will highlight the evening. Saturday morning will begin with a breakfast buffet in conjunction with the NDFPA business meeting and awards presentations, followed by a general session. Afternoon sessions on working with drug affected children, adolescent behavior, transitions to and from home visits, the Guardian ad Litem program, cultural considerations in placement, allegations of abuse in foster homes and other yet-to-be-finalized topics will certainly have great interest for all foster parents. A banquet with entertainment will top off the evening. PATH families will have an added agenda of events on Sunday.

We hope to have a large turnout of all foster parents in North Dakota including the Native American Foster Parent Association. Look for more details about the conference including reimbursement opportunities when the brochure hits your mailbox.

When and How to Treat Bedwetting

Susan McNair Blatt, MD

Children are usually toilet trained by the age of three, but some continue to wet at night. Bedwetting is considered normal until the age of five. In most cases, a cause cannot be found.

Parents of these children have them drink less fluid in the evening and empty the bladder before bedtime. Getting the child up once around midnight to urinate may help.

After the age of five, if these techniques have not helped, parents should visit the doctor to discuss the problem. A few simple tests, such as blood pressure and urinalysis will rule out kidney or bladder problems. Constipation can cause bedwetting and that should be discussed.

Most doctors use DDAVP, which is a hormone taken orally at bedtime. The dose begins at 0.1 mg. and can go up to 0.6 mg. Other medications may be used, such as Tofranil. Another approach is an alarm that sounds when the bed begins to be wet. The child learns to respond to the alarm.

It is important to be patient with a bed-wetting child. For a foster child who wets the bed, a kind and persistent approach may bring about improvement and have a significant effect on the child's quality of life.

New Concepts about Asthma

Susan McNair Blatt, MD

Asthma is a common childhood condition and it is common in foster children. Since foster children often move from home to home and clinic to clinic, asthma treatment may not be adequate. Children with moderate-severe asthma should see a pediatric pulmonary specialist.

Treatment for mild asthma is an albuterol inhaler, used when needed. If a child is using it several times a day, other medications should be used instead.

Asthma symptoms include difficulty breathing, noisy breathing, and cough. A child having an asthma attack cannot be physically active. Watch for a child who stops being active, because he or she may need more medication. On the other hand, if a child is doing well on several medications, it may be time to try cutting back.

Many asthmatic children benefit from a smoke-free or pet-free home. Children need to learn the reason for each medication and how to take them. Foster children especially need to know about their health.

Dr. Blatt's book, *Guidebook for Raising Foster Children* is available at barnesandnoble.com or Greenwood Publishing, 88 Post Rd. West, PO Box 5007, Westport, CT 06881-5007. Her email address is sblatt@adelphia.net.

CFS Conference Seeks Award Nominations

The Department of Human Services, Children and Family Services Division, will be sponsoring: "Creating Connections for the Future: One Child at a Time". The conference will focus on the Safety, Permanency and Well-Being of Children and Families, with a special emphasis on "Creating Connections". The conference will be held **August 1-3, 2006**, at the Ramkota Inn, Bismarck.

Many people in our state play a significant role in "Creating Connections" for children and families. Please assist us in saying "Thank You" to a few of those individuals who have truly made a difference.

We are seeking nominations for the following awards, which will be distributed at the Conference Awards Brunch, 10:30 a.m., August 3rd. Deadline for receipt of nominations is July 1, 2006.

- Outstanding Foster/Foster-Adopt Parent Award
- Outstanding Foster Youth/Former Foster Youth Award
- Outstanding Service Provider Agency of the Year Award
- Outstanding Legal Advocate of the Year Award
- Outstanding Case Manager Award

For nomination information please contact:

Dawn Pearson
Children and Family Services Division
Judicial Wing/State Capital
600 E. Boulevard, Dept. 325
Bismarck, ND 58505-0250
(701) 328-1018 (voice)/(701) 328-3538 (fax)

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